TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101

PREPARED BY: Christopher M. Gratz, Planner II

SUBJECT: Quasi Judicial Hearing: Variance, V 12-1-05 Jennifer & Solomon Lallouz, 3495

Meadowbrook Way/Generally located on the west side of Meadowbrook Way, 300' north of the intersection of Meadowbrook Way and Garden Ridge Court

AFFECTED DISTRICT: District 2

TITLE OF AGENDA ITEM: V 12-1-05 Lallouz, 3495 Meadowbrook Way (AG)

REPORT IN BRIEF: The applicant's request is to reduce the required side setback of the AG, Agricultural District by 5' on the south side of the property in order to allow the construction of a 30'x 50' (1,500 square foot) addition that would maintain the side setbacks of the existing 4,959.5 square foot home. The addition contains a bedroom, full bathroom, and a gym, which will make the home a total of 5,882 square feet. The maximum lot coverage permitted is 25%; which allows for a maximum of 8,808 square feet of building on this site.

The applicant has obtained consent from the Homeowner's Association. The justification by the applicant for this variance is that the existing home has been built with a 30' side setback. In review of the survey and building plans, staff concludes that while it may seem logical to build an addition in line with an existing structure, the parcel and existing home can accommodate an addition with a 35' side setback that includes the proposed amenities.

Residential homes approved and/or built prior to the adoption of the Rural Lifestyle Initiative (RLI) regulations in the Long Lake Estates subdivision currently have a 25′ side setback. In the AG, Agricultural District, the RLI provides for 35′ side setbacks creating a 70′ separation between all new structures. Granting a variance to allow a 25′ side setback for the addition would result in maintaining the existing 50′ separation between structures. Therefore, a side setback reduction would only directly affect the house to the south, and would be consistent with the original approved site plan for Long Lake Estates.

PREVIOUS ACTIONS: None

CONCURRENCES: At the February 8, 2006, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Luis, to approve and that before it goes to Council, there be some semblance of a landscape plan to be included in the package and get together with Mr. Abramson to give some idea of the landscaping to place around this project. (Motion carried 3-2 with Mr. Stevens and Ms. Turin being opposed)

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to the Town Council for further consideration.

Attachment(s): Planning Report

Application: V 12-1-05 Lallouz **Revisions:** 2/9/06

Exhibit "A" Original Report Date: 2/1/06

TOWN OF DAVIE

Development Services Department Planning and Zoning Division Staff Report and Recommendation



Applicant Information

Owner/Petitioner:

Name: Jennifer & Solomon Lallouz Address: 3495 Meadowbrook Way

City: Davie, FL 33328 **Phone:** (305) 308-5917

Background Information

Date of Notification: February 1, 2006 **Number of Notifications:** 83

Application History: No deferrals have been requested.

Application Request: Variance FROM: §12-81 (A) of the Land Development Code,

Conventional Single Family Development Standards, which requires 35' minimum side setbacks in the AG, Agricultural District; **TO:** reduce the side setback on the south side of the property to 30' so that an addition may be constructed in line with

the 30' side setback of the existing home.

Address/Location: 3495 Meadowbrook Way/Generally located on the west side of

Meadowbrook Way, 300' north of the intersection of Meadowbrook

Way and Garden Ridge Court.

Future Land Use

Plan Map Designation: Residential (1 DU/AC)

Zoning: AG, Agricultural District

Existing Use: 4,382 square foot single family dwelling

Proposed Use: 5,882 square foot single family dwelling

Net Parcel Size: 0.81 acres (35,232 square feet)

Surrounding Uses:

North: Single family dwelling
South: Single family dwelling
East: Single family dwelling

West: Retention area

Surrounding Future Land Use Plan Map Designations:

Residential (1 DU/AC) Residential (1 DU/AC) Residential (1 DU/AC) Residential (1 DU/AC)

Surrounding Zoning:

North, South, East, & West: AG, Agricultural District

Zoning History

Previous Requests on same property: The boundary plat, Long Lake Estates II Plat, which includes Parcels A, B, and C, and is restricted to 454 single-family homes, was approved on September 6, 2000.

The site plan, SP 11-2-01 Long Lake Ranches, was approved on December 19, 2001.

The subdivision plat, Long Lake Ranches Plat I, was approved on June 5, 2002.

Related Variance Requests: The variance, V 4-1-04 G.L. Homes, from: Section 12-81(A) of the Land Development Code that was applicable at the time of the site plan approval for Long Lake Estates on December 19, 2001, which requires a minimum side setback of 25' for the single-family residences in the AG, Agricultural district; to: reduce the side setbacks for a model home on Lot 128 to 21.9' on both sides of the proposed Model 6, was approved on July 7, 2004.

The variance, V 9-1-04 Garcia, to reduce the side setback on the north side of the property from 35′ to 25′ so that an addition may be constructed in line within the 25′ side setback of the existing home, was approved on November 17, 2004.

The variance, V 7-2-05 Nelson, reducing the 35' side setback to 20' 8", so that an additional garage may be constructed, was approved on January 18, 2006.

The variance, V 7-3-05 Dupont, reducing the side setback from 35' to 25' so that an addition may be constructed in line within the 25' side setback of the existing home, has been advertised but not considered, because the applicant has tabled the request citing an issue with Homeowner's Association approval.

The variance, V 1-1-06 Carrasco, reducing the side setback and rear setback for placement of a swimming pool and gazebo, is being reviewed and will be processed in the near future.

Application Details

The applicant has requested a variance from §12-81 (A) of the Land Development Code, Conventional Single Family Development Standards, which requires 35' minimum side setbacks in the AG, Agricultural District; to reduce the side setback on the south side of the property to 30' so that an addition may be constructed in line with the 30' side setback of the existing home. At the time of site plan approval the side setback in the AG, Agricultural District was 25'. The adoption of the Rural Lifestyle Initiative changed the minimum side setback in the AG, Agricultural District to 35'.

Applicable Codes and Ordinances

§12-24 (A) Agricultural (AG) District: This district is intended to maintain, preserve and protect areas of the Town of Davie that are predominately in agricultural uses, and/or have historically demonstrated agriculture productivity. This district is intended to maintain the rural character of the town and implement the Town of Davie Comprehensive Plan.

§12-81 (A) Conventional Single Family Development Standards, AG, Agricultural District, requires the following minimums: lot area of 43,560 square feet, 150′ frontage, 40′-50′ staggered front setback, 35′ side & rear setbacks, 35′ maximum building height, and 25 percent maximum building coverage.

Article IX. Rural Lifestyle Regulations, Ordinance No. 2002-35, adopted on October 16, 2002.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies: Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

The applicant's request is to reduce the required side setback of the AG, Agricultural District by 5' on the south side of the property in order to allow the construction of a 30'x 50' (1,500 square foot) addition that would maintain the side setbacks of the existing 4,959.5 square foot home. The addition contains a bedroom, full bathroom, and a gym, which will make the home

a total of 5,882 square feet. The maximum lot coverage permitted is 25%; which allows for a maximum of 8,808 square feet of building on this site.

The applicant has obtained consent from the Homeowner's Association. The justification by the applicant for this variance is that the existing home has been built with a 30' side setback. In review of the survey and building plans, staff concludes that while it may seem logical to build an addition in line with an existing structure, the parcel and existing home can accommodate an addition with a 35' side setback that includes the proposed amenities.

Residential homes approved and/or built prior to the adoption of the Rural Lifestyle Initiative (RLI) regulations in the Long Lake Estates subdivision currently have a 25′ side setback. In the AG, Agricultural District, the RLI provides for 35′ side setbacks creating a 70′ separation between all new structures. Granting a variance to allow a 25′ side setback for the addition would result in maintaining the existing 50′ separation between structures. Therefore, a side setback reduction would only directly affect the house to the south, and would be consistent with the original approved site plan for Long Lake Estates.

Findings of Fact

Variances:

Section 12-309(B) (1):

The following findings of facts apply to the variance request:

(a) There <u>are no</u> special circumstances or conditions applying to the land or building for which the variance is sought;

The 35,232 square foot parcel and existing home can support an addition that does not require a variance. While the design of the expansion logically aligns with the existing side setback of 30', a plan that includes all of the desired amenities can be designed with a 35' side setback.

which circumstances or conditions <u>are not</u> peculiar to such land or building and <u>do</u> apply generally to land or buildings in the same district;

The required 35' side setbacks or 70' separation between all new structures in the AG, Agricultural District applies equally to properties within this development and zoning district.

and that said circumstances or conditions <u>are not</u> such that the strict application of the provisions of this chapter <u>would not</u> deprive the application of the reasonable use of such land or building for which the variances are sought;

The parcel is being reasonably used now without a variance, and an addition can be constructed at the required 35' side setback.

and that alleged hardship <u>is</u> self-created by any person having an interest in the property.

The need for a variance is created by the owner's desire for an addition in line with the existing home.

(b) The granting of the variance <u>is not</u> necessary for the reasonable use of the land or building and that the variance as requested <u>is</u> the minimum variance that will accomplish this purpose.

This parcel is being reasonably be used now; however the request is the minimum needed to allow an addition that is in line with the existing home.

(c) Granting of the requested variances <u>will be</u> in harmony with the general purpose and intent of this chapter and <u>will not</u> be injurious to the neighborhood or otherwise detrimental to the public welfare.

The intent of the Land Development Code is to allow an interpretation to be made where there is a just balance between the rights of the landowner and all others who will be affected by that person's proposal. Allowing the side setback to be reduced from 35' to 30' to construct the proposed addition will not be detrimental to the adjacent properties; it will only impact the parcel to the south and the homeowner's association has provided consent to the request.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the February 8, 2006, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Mr. Luis, to approve and that before it goes to Council, there be some semblance of a landscape plan to be included in the package and get together with Mr. Abramson to give some idea of the landscaping to place around this project. (Motion carried 3-2 with Mr. Stevens and Ms. Turin being opposed)

Town Council Action

Exhibits

- 1. Justification
- 2. Homeowner's Association approval
- 3. Survey
- 4. Site Plan
- 5. Floor Plan
- 6. Future Land Use Plan Map
- 7. Zoning and Aerial Map

Prepared by:	Reviewed by:
r repareu by.	Neviewed Dv.

Jennifer and Solomon Lallouz. 345 Meadowbrook Way, Davie, FL 33338 JsLallouz@aol.com

Phone: (305) 308-5917 Facsimile: (305) 652-1220

December 11, 2005

Town of Davie Planning and Zoning

Re: Variance Application

To Whom It May Concern:

Plans for a 30 x 50 foot single story addition were submitted on November 9th, 2005. Upon being informed for the need of a variance for approval, we are applying for one in order to continue with the existing structure of our home, which has a side set-back of 30 feet.

According to planning and zoning criteria, we would infringe by 5 feet. Our homeowners association has approved our plans knowing that cosmetically, no major changes in continuity will occur, leaving the home in harmony with the neighborhood.

Along the existing property line, lies a fence and a hedge. As such, the infringement of 5 feet, which is on our property and would not affect the City of Davie or neighboring residents.

We thank you for your consideration regarding this matter.

Please feel free to contact us personally with any questions or concerns.

Jennifer and Solomon Lallouz

1145 Sawgrass Corporate Parkway • Sunrise, Florida 33323 (954) 846-7545 • Fax (954) 846-8559 • Toll Free: 1-800-605-9160 www.miamimanagement.com

July 22, 2005

Salomon Lallouz 3495 Meadowbrook Way Davie, FL 33328

RE:

Long Lake Ranches HOA

Account #3818-000215

Dear Mr. Lallouz.

This letter will confirm that your request on the above mentioned property, was **conditionally approved** by the Architectural Review Committee for the following:

Conditionally Approved: Addition to rear of home. Note: Contractors are not permitted to install advertising sign that can be seen from the streets.

Comment: Paint colors and roof colors must match existing. Also, all windows Glass sliding doors must have stucco bands similar to existing home.

It is the ultimate responsibility of the property owner to insure that their Architectural request conforms to all the relevant Declaration of Covenants and Restrictions, Bylaws, and Rules and Regulations of the Association pertaining to any and all alterations and/or changes to the exterior of their home.

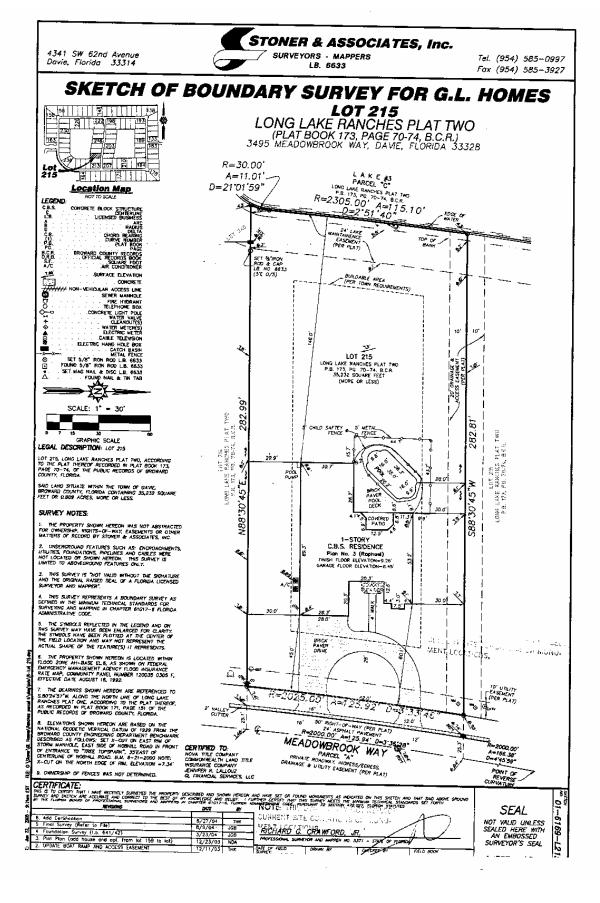
If you have any questions, please feel free to contact me at 954-846-7545.

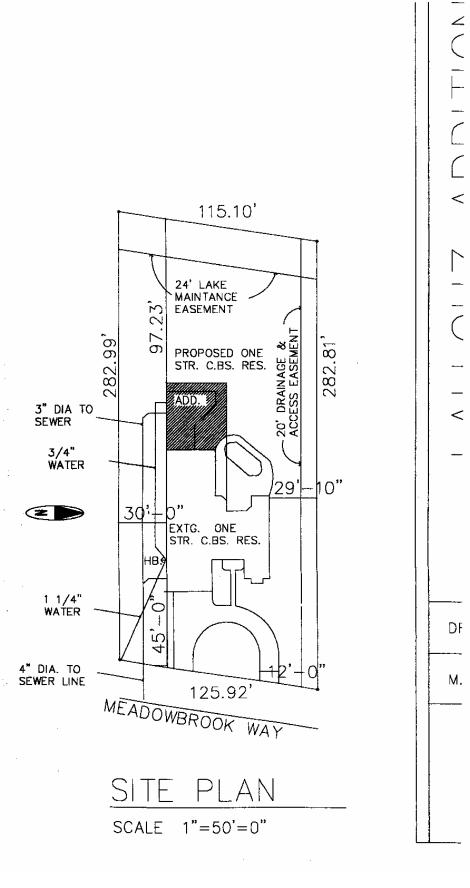
Sincerely

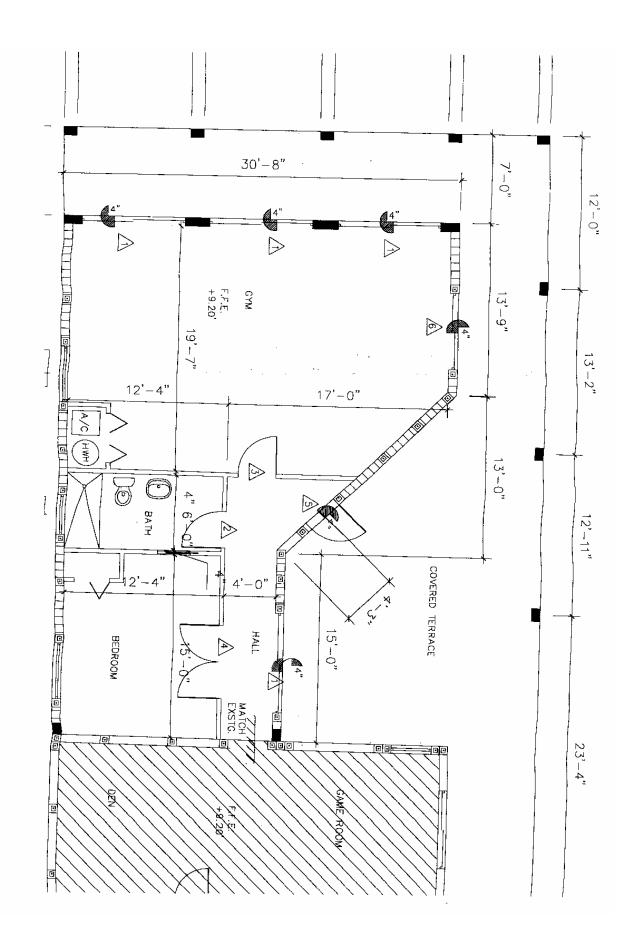
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Agent for the Association

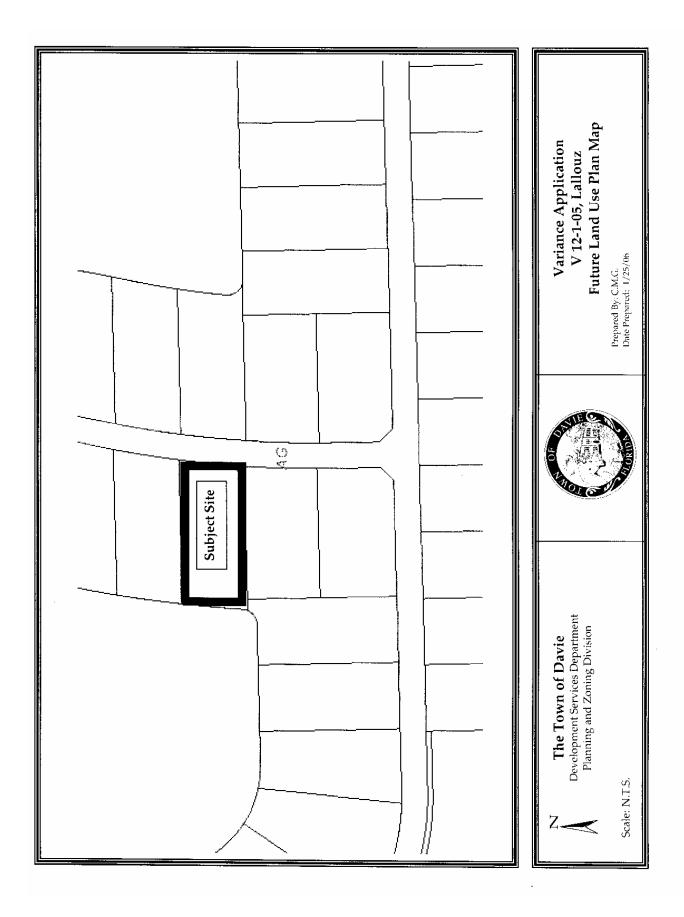
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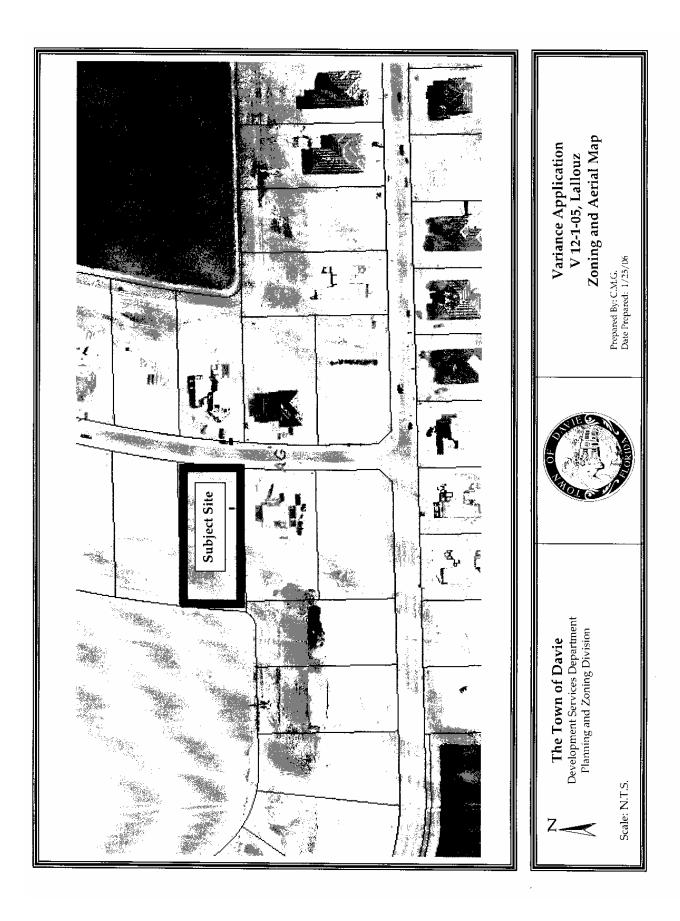






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